

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BARBARA J. FRIED and MARK FRIED;	:	
ALTITUDE PARTNERS, LLC; RICHARD	:	
D. MALTZMAN, AS TRUSTEE FOR THE	:	
RICHARD D. & CHARLENE	:	
MALTZMAN FAMILY TRUST U/A/D	:	
3/23/88; JEFFOREED PARTNERS, L.P.;	:	
JEFFOREED MANAGEMENT	:	
COMPANY, INC.; and ZELFAM, LLC, on	:	
behalf of limited partners listed on <u>Annex</u>	:	
<u>A.</u>	:	
	:	No. 09 CIV 9100 (BSJ)
Plaintiffs,	:	
- vs -	:	ECF CASE
	:	
LEHMAN BROTHERS REAL ESTATE	:	
ASSOCIATES III, L.P.; LEHMAN	:	
BROTHERS PRIVATE EQUITY	:	
ADVISORS, LLC; REAL ESTATE	:	
PRIVATE EQUITY, INC.; MARK A.	:	
WALSH; MARK H. NEWMAN; BRETT	:	
BOSSUNG; MICHAEL J. ODRICH;	:	
CHRISTOPHER M. O'MEARA;	:	
RICHARD S. FULD, JR.; JOSEPH M.	:	
GREGORY; ERIN CALLAN; IAN	:	
LOWITT; THOMAS RUSSO; AND DOES	:	
1 through 50,	:	
	:	
Defendants.	:	

DEFENDANT LEHMAN BROTHERS REAL ESTATE ASSOCIATES III, L.P.'S
RULE 7.1 STATEMENT

Pursuant to Federal Rule of Civil Procedure 7.1 and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Lehman Brothers Real Estate Associates III, L.P. (a non-governmental party) certifies that it is not a publicly held entity. It is a limited partnership whose general partner is LBREA III GP Holdings, LP. Lehman Brothers Holdings Inc., a

publicly held corporation, indirectly and through a series of wholly owned subsidiaries owns more than ten percent of the interests in Lehman Brothers Real Estate Associates III, L.P.

Dated: New York, New York
January 8, 2010

WEIL, GOTSHAL & MANGES LLP

By: /s/Jonathan D. Polkes
Jonathan D. Polkes
767 Fifth Avenue
New York, New York 10153
T: (212) 310-8000
F: (212) 310-8007
jonathan.polkes@weil.com